THE HON'BLE SRI JUSTICE S.ANANDA REDDY

W.V.M.P.No.1530 of 2007
and
Writ Petition No.7822 of 2006

24.09.2007

Writ Petition No.7822 of 2006

Between

Smt.Shahjahan Begum and another

…Petitioners

And

The Government of Andhra Pradesh, rep.by its Principal Secretary, Municipal Administration, Secretariat, Hyderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

W.V.M.P.No.1530 of 2007
and
Writ Petition No.7822 of 2006

COMMON ORDER:

It is stated that the respondents are proposing to acquire the lands of the petitioners to the extent of Acs.5.00 situated in Survey No.364 (part); Acs.3.18 guntas in Survey No.365 (part) and Acs.1.22 guntas situated in Survey No.365 (part), totalling Acs.10.00, of Bommaraspet Village and Gram Panchayat, Shameerpet Mandal, Ranga Reddy District, for formation of Outer Ring Road.

The grievance of the petitioners is that in response to the notice issued under Section 5-A of the Land Acquisition act, 1984 (for short 'the Act'), they filed their objections pointing out the availability of Government land in Survey No.45 adjacent to the petitioners' land and instead of acquiring the said land which would not only relieve the petitioners from hardship, but also saves the State exchequer, the respondents are illegally proposing to acquire the lands of the petitioners. It is also the grievance of the petitioners that the alignment of the Outer Ring Road has been changed in order to benefit big farmers and big people. Hence, the petitioners sought to set aside the proposed acquisition.

In response to the notice served on the respondents, the respondents filed a counter affidavit along with a petition to vacate the interim order granted by this Court on 25.04.2007.

It is stated in the counter affidavit that notification under Section 4(1) of the Act was published on 21.04.2005, thereafter notice under Section 5-A of the Act was issued on 02.05.2005, apart from publishing the same on 03.05.2005 in the locality, pursuant to which, the petitioners filed their objections and they were considered by the competent authority and rejecting their objections, orders were also passed. Consequently, declaration

under Section 6 of the Act was published on 20.04.2007 and thereafter notices were issued under Sections 9(1), 9(3) and 9(10) of the Act for award enquiry as well as taking possession of the lands. However, the present writ petition is filed even before issuing declaration under Section 6 of the Act.

In the counter affidavit, it is stated that only Acs.1.15 guntas of land is available in Survey No.45 which is not suitable for the purpose of laying the ring road, since as per the alignment, the road is not passing through Survey No.45. It is also stated that for the purpose of formation of Outer Ring Road Phase-II, the Government proposed to acquire Acs.92.94 guntas of land in Bommaraspet Village covering a distance of 2,600 mts., owned by 102 farmers, out of whom, only three families filed the writ petitions questioning the proceedings under the Act and stalling the proceedings. Therefore, the respondents have come up with an application seeking to vacate the interim order passed by this Court.

Heard both sides and considered the material on record.

The learned counsel for the petitioners at the time of hearing reiterated the contentions that are raised in the affidavit with reference to two objections as to availability of alternative Government land as well as change of

alignment. But, both the objections are denied in the counter affidavit. In the counter affidavit, it is categorically stated that no Government land is available in Survey No.45, except land to an extent of Acs.1.15 guntas, which is not suitable for laying the Outer Ring Road and there is no change of alignment within the limits of Bommaraspet and the allegations of change of alignment to accommodate big people is also categorically denied. There are no other objections or grounds raised by the petitioner. Hence, there are no merits warranting interference with the land acquisition proceedings.

Accordingly, the interim order granted on 25.04.2007 is vacated and consequently, the writ petition is dismissed as devoid of merit. No costs.

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24.09.2007

VGB